

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ JUL 10 2017 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

v.

ANASTASIA DIATLOVA,

Defendant.

-----X
A P P E A R A N C E S

BRIDGET RHODE
United States Attorney, EDNY
271 Cadman Plaza East
Brooklyn, New York 11201
By: Richard Tucker
Claire S. Kedeshian
Hilary Jager
Una A. Dean

Attorneys for the United States

WILSON SONSINI GOODRICH & ROSATI
1301 Avenue of the Americas
40th Floor
New York, NY 10019
Morris Fodeman
Megan Wall-Wolff
Attorneys for Defendant Anastasia Diatlova

CR
12 ~~CV~~ 626 (SJ)

MEMORANDUM
AND ORDER

JOHNSON, U.S.D.J.:

On May 3, 2017, this Court granted in part and denied in part defendant Anastasia Diatlova's ("Diatlova") motion for a new trial, upholding the jury's finding that she is guilty of Count One of the Superseding Indictment and granting a new trial with respect to Count Eight of the Superseding Indictment. The government, on May 24, 2017, appealed that portion of the order granting her a new trial on Count Eight. Diatlova has been under pre-trial supervision since 2012 without an inkling of foul play, having traveled several times on consent of her Pre-Trial Officer and the government, and most recently, being relieved by this Court the condition of ankle monitoring. On June 30, 2017, Diatlova again moved this Court -- this time to travel to Bashkortostan, Russia for nine days -- to visit her mother, who resides there. The health of Diatlova's mother is in decline, and the two have not seen each other in at least five years. Diatlova is her only child.

The finding that Diatlova is guilty of Count One subjects her to a term of imprisonment of zero to six months, some of which she has already served. She has not yet been convicted of Count Eight.

While the government opposes the application based on "the strict terms of Title 18 United States Code, Section 3143," that provision actually entitles the Court to continue the release of a person convicted so long as the Court "finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community." 18 U.S.C. § 3143(a).

Diatlova, like all of the Arc female salespeople, was a low-level employee. She survived on a meager wage of \$2300 gross pay biweekly. Her 5 year period of supervision has been unremarkable, and, in totality, her comportment since arrest suffices as clear and convincing evidence that she does not pose a risk of danger or flight.

CONCLUSION

For the foregoing reasons, Diatlova is permitted to travel to visit her mother in Bashkortostan, Russia, for a period not to exceed twelve (12) days and shall return to the United States in time for her September 12, 2017 appearance before this Court. Diatlova shall provide the particulars of her itinerary (flight, telephone number of her mother's residence, and a cellular telephone number to which she shall have access while abroad) to her Pre-Trial officer within 48 hours of purchase of her tickets.

SO ORDERED

Dated: Brooklyn, New York
July 7, 2017

/s/ USDJ STERLING JOHNSON, JR.